

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

LARRY W. CALHOUN,)
)
Plaintiff,)
)
v.) No. 1:05-CV-155 CAS
)
)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant.)

ORDER OF REMAND

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Fredereick R. Buckles, filed December 16, 2005. See 28 U.S.C. § 636(b). Defendant filed a motion to remand the case on December 5, 2005. The Magistrate Judge recommended that the Court grant defendant's request to remand the case for further administrative proceedings pursuant to sentence six of 42 U.S.C. § 405(g), to direct the Appeals Council to instruct an Administrative Law Judge to conduct another hearing de novo.

Neither party has filed an objection to the recommendation. No answer has been filed in this case. As such, the Motion to Remand is timely filed and the defendant has shown good cause for such remand. See 42 U.S.C. § 405(g); Buckner v. Apfel, 213 F.3d 1006, 1010 (8th Cir. 2000). After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that this matter be remanded pursuant to sentence six of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 11]

IT IS FURTHER ORDERED that pursuant to sentence six of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further administrative proceedings, as set forth above.¹



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 28th day of December, 2005.

¹It is the Commissioner's duty to file with the district court the results of the proceedings upon remand. 42 U.S.C. § 405(g).